

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Eden Rogers et al.,)	
)	Civil Action No. 6:19-cv-01567-TMC
Plaintiffs,)	
)	
v.)	<u>Joint Status Report</u>
)	
United States Department of Health and)	
Human Services, et al.,)	
)	
Defendants.)	

Pursuant to the Court's orders dated October 27, 2020 (ECF No. 112) and December 1, 2020 (ECF No. 115), the parties submit the following joint status report concerning their efforts to resolve the discovery disputes raised in Plaintiffs' Motion to Compel Discovery (ECF No. 107). The parties previously submitted a joint status report on November 24, 2020 (*see* ECF No. 113), and today's report appraises the Court of the parties' subsequent efforts and continued progress in resolving the discovery disputes.

The parties have continued to communicate and work diligently to finalize and effectuate the agreement-in-principal described in the parties' prior joint status report. To that end, counsel have exchanged letters and emails and have reached agreement regarding what discovery responses will be deemed sufficient to resolve the disputes and permit the withdrawal of the pending Motion to Compel.

In accord with that agreement, Governor McMaster and Director Leach have each served or will serve supplemental responses to Plaintiffs' Interrogatories and Requests for Production. In addition, both have made supplemental document productions totaling several hundred pages. Both have served supplemental privilege logs. All that remains to complete the resolution of the dispute is Governor McMaster's completion of five additional electronic

searches proposed by Plaintiffs. The Governor, his counsel, his staff, and the State's IT staff have worked diligently over the past several weeks to conduct those searches. Progress has been slowed by the fact that the searches requested by Plaintiffs initially returned tens of thousands of non-responsive documents, and, as a result, have required the expenditure of considerable time to review and analyze the results and to determine and implement modifications to winnow out the false hits. Counsel for the Governor anticipates that completion of the collection, review, and production of additional responsive documents, if any, uncovered by these searches will require additional time. In light of the impending holidays, Governor McMaster anticipates the additional responsive documents, if any, will be produced on or before January 4, 2021. Plaintiffs note that they were apprised of the modifications to the search terms on Friday, December 18. While Plaintiffs do not object to the modifications at this point, Plaintiffs will have to review the produced documents before agreeing to the revised search terms.

Respectfully submitted,

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